

REMARKS

In response to the Office Action mailed August 25, 2003, no claims have been cancelled, amended, or newly added. Therefore, claims 1-14 and 16-20 remain pending. Applicants note that the Application as-filed did not include a claim 15. In view of the following remarks, allowance of all the claims pending in the application is respectfully requested.

A. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-3, 8-10, 16 and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,567,796 B1 to Yost *et al.* ("Yost"). Claims 4 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yost in view of U.S. Patent No. 6,301,590 to Siow *et al.* ("Siow"). Claims 5-7, 12-14, and 17-19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yost in view U.S. Patent No. 5,819,293 to Comer *et al.* ("Comer").

Applicants traverse for at least the reason that Yost does not qualify as prior art under the common assignee exception as set forth in 35 U.S.C. § 103(c). 35 U.S.C. § 103(c) recites:

"Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Accordingly, Applicants contend that the Examiner's rejection is improper because, at the time the claimed invention disclosed in this patent application was made, both Yost and the

claimed invention were assigned (or subject to an obligation of assignment) to Microstrategy, Inc. As such, withdrawal of this rejection is earnestly sought.

For at least the reasons set forth above, Applicants submit that none of the references cited by the Examiner, either alone or in combination, teach all of the limitations of independent claims 1, 8, 16, and 20. Accordingly, Applicants further submit that dependent claims 2-7, 9-14, and 17-19 are allowable because they depend from allowable independent claims, as well as for the further limitations they contain.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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